

REMARKS

Amendments

Applicant previously canceled claims 1-16 and 19-56. Applicant has amended his independent claims 17-18 and 57-60 to include language stating that a program on the simulation's computer transmits at least a part of the test data packet to a simulated electronic device "through a programming language interface" and receives at least a part of the test data packet "back from the simulated electronic device through the programming language interface". Applicant has cancelled claims 61-63. Upon entry of these amendments, claims 17-18 and 57-60 remain pending.

Rejections based on Obviousness

The Examiner has rejected claims 17-18 and 57-60 under 35 U.S.C. 103(a), as being obvious over U.S. Patent No. 6,230,114 to Hellestrand et al. (hereafter "Hellestrand") in view of a non-patent reference, Microsoft Press Computer Dictionary (3rd Ed. 1997) at pp. 179-180 (hereafter "MPCD"). When an obviousness rejection is made on the basis of an alleged combination of prior art elements according to known methods to yield predictable results, an examiner must find that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference. See MPEP 2143.¹

Such a finding cannot be made by the Examiner with respect to the Applicant's claims, as amended. The Examiner asserts that "Hellestrand teaches a system for connecting an electronic device under simulation to a network, wherein the simulation is to be carried out by software in a computer". Applicant respectfully traverses this assertion. Applicant believes that Hellestrand actually teaches a system for running a simulation of a processor and its associated interrupt hardware over a network. See Hellestrand at column 11, lines 34-39. Applicant believes that this distinction is important. In Hellestrand, the network is merely a distributed computing system over which the simulation runs. In Applicant's claimed inventions, the network is part of the simulation, since the simulation is of a network interface device. See e.g., lines 15 and 16 on page 8 of the specification. Applicant's

¹ The latest version of this MPEP section appears to codify the previously published *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc.*


amendments make this point clear by stating that the simulation receives and transfers at least a portion of the test data packet received over the network.

In rejecting Applicant's prior claims, the Examiner admitted that "Hellestrand does not teach the steps of testing" the simulation. For such a teaching, the Examiner relies upon MPCD. With respect to MPCD, Applicant simply points out that its teachings relate to the transfer of files rather than the packets in a packet-switched network. MPCD teaches nothing with respect to the simulation of a network interface device.

Consequently, the references cited by the Examiner, alone or in combination, do not expressly or inherently teach all of the elements in Applicant's amended independent claims and the claims which depend from them. Applicant therefore believes that all of his claims are now in condition for allowance and requests a notice of allowance for the claims. If the Examiner has any questions concerning the present response, the Examiner is requested to contact the undersigned at the telephone number set forth below.

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Respectfully submitted,
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